

Agenda Item No. 3.1.a
For Agenda of July 10, 2007



Tigard City Council Meeting Minutes

Date: May 8, 2007
Time: 6:30 p.m.
Place: Tigard City Hall, 13125 SW Hall Boulevard
Tigard, Oregon
Attending: Mayor Craig Dirksen Presiding
Councilor Gretchen Buehner
Councilor Sydney Sherwood
Councilor Tom Woodruff

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session Measure 37 – Way W. Lee Settlement	Associate Planner Pagenstecher reviewed the settlement agreement proposed for the Measure 37 claim of Way. W. Lee. A copy of the agreement is on file in the City Recorder's office. This was also on the Consent Agenda below, Item 4.7.	This Measure 37 claim will be withdrawn upon execution of the settlement agreement. Therefore, the public hearing for this matter scheduled for May 22, 2007, has been canceled.
Study Session Administrative Items	<p>> Chamber of Commerce Merger Vote</p> <p>Council discussed the proposed merger of the Tigard and Tualatin Chambers of Commerce.</p> <p>> Naming the Tualatin Pedestrian Bridge: City of Durham Objections</p> <p>Durham Council did not act upon the request to support the name of the pedestrian bridge over the Tualatin River (Ki-a-kuts). Mayor Dirksen said it was his understanding the issues were:</p> <ol style="list-style-type: none"> 1. Durham was not involved in the naming process. 2. The proposed name was brought to them after the decision was made. 	Council consensus was to support the merger proposal.

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	<p>Mayor Dirksen reviewed what some of the options identified by Durham for a new process to select a name. Tualatin Mayor Ogden indicated recently that he would not be in favor of a new process. Mayor Ogden said he was surprised at Durham's objections because he understood that Tualatin was given the charge of coming to the cities of Tigard and Durham with recommendations.</p> <p>At this time, the bridge name is "still up in the air" said Mayor Dirksen and he wanted to let the Tigard Council know about this apparent misunderstanding and miscommunication with the City of Durham.</p> <ul style="list-style-type: none"> > Tonight is Jasmina Dizdarevik's last meeting; she will introduce next year's student envoy Megan Foltz to the City Council. A proposed resolution for Jasmina Dizdarevik was distributed to the City Council. > Council received the latest Legislative Briefing for reference during the City Council's discussion with Senator Burdick and Representative Galizio. > Skate Park Groundbreaking Ceremony will be May 25. Mayor Dirksen, Councilor Sherwood, Councilor Buehner, and Councilor Woodruff indicated they would attend. > National League of Cities Conference will be in New Orleans this year. Mayor Dirksen, Councilor Sherwood, Councilor Buehner, and Councilor Woodruff indicated they would be interested in attending. > Get Centered Event – Vancouver B.C.: Councilor Sherwood said she would attend. 	
Executive Session	<p>The Tigard City Council went into Executive Session at 6:48 p.m. to discuss real property transaction negotiations, under ORS 192.660(2) (e) and pending litigation, under ORS 192.660(2) (h).</p>	

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Business Meeting	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:38 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Buehner, Sherwood, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications & Liaison Reports</p> <p>There were no reports from the City Council.</p> <p>City Manager Prosser read a letter from the National Policy Research Council. The City of Tigard was one of only 18, out 11,000 government sites reviewed by the Research Council, to receive an A+ rating. The City of Tigard received an E-award for Excellence in E-Government. A copy of this letter is on file in the City Recorder's office.</p> <p>1.5 Call to Council and Staff for Non-Agenda Items</p>	
2. Proclamation	<p>Mayor Dirksen proclaimed the week of May 14-18, 2007 as Emergency Medical Services week.</p> <p>Representatives of Metro West Ambulance presented a plaque to the City of Tigard. Mayor Dirksen made note of the excellent service provided by the emergency medical agencies for the Tigard area.</p>	
3. Citizen Communication	<p>Tigard High School Student Envoy to the City Council Jasmina Dizdarevik gave her last update to the City Council for the school year. A copy of her report is on file in the City Recorder's office.</p> <p>Ms. Dizdarevik introduced Megan Foltz; who is the envoy for the next school year.</p> <p>The Mayor and Council thanked Ms. Dizdarevik for her presentations this last school year. The Council considered Resolution No. 07-27:</p>	<p>Motion by Mayor Dirksen, seconded by Councilor Woodruff, to adopt Resolution No. 07-27.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Buehner Yes Councilor Sherwood Yes Councilor Woodruff Yes</p>

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	<p>A RESOLUTION ACKNOWLEDGING AND COMMENDING JASMINA DIZDAREVIK FOR HER SERVICE AS THE TIGARD HIGH SCHOOL STUDENT ENVOY TO THE CITY OF TIGARD</p> <p>▪ Alice Ellis-Gaut signed up to speak during Citizen Communication. She spoke on Agenda Item No. 5 City Council Vacancy discussion at the time the Council discussed this agenda item.</p>	
4. Consent Agenda	<p>4.1 Approve Council Minutes for March 27, 2007</p> <p>4.2 Receive and File:</p> <p>4.2.a Council Calendar</p> <p>4.2.b Tentative Agenda</p> <p>4.3 Intergovernmental Agreement Establishing the City of Tigard's Eligibility to Receive \$1.4 Million from Metro's Natural Areas Bond Measure</p> <p>4.4 Right-of-Way Dedications Related to the Skate Park Project</p> <p>4.5 Senior Center Grant Agreement</p> <p>4.6 Amend CCAC Bylaws Membership Composition – Resolution No. 07-28</p> <p>RESOLUTION NO. 07 - 28 - A RESOLUTION AMENDING THE CCAC BY- LAWS FOR MEMBERSHIP COMPOSITION</p> <p>4.7 Approve Settlement Agreement to Resolve the Way W. Lee General Contractor, Inc. Measure 37 Property Compensation Claim (M372006-00004)</p> <p>4.8 Approval of Intergovernmental Agreement with Washington County for Construction Management and Inspection for Roadway Improvements to Bull Mountain Road at Highway 99W</p> <p>4.9 Consider Authorizing a Purchase Order for Cubicle Partitions and Work Station Furniture Related to the Water Building Renovation</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Buehner, to adopt the Consent Agenda as presented.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes</p> <p>Councilor Buehner Yes</p> <p>Councilor Sherwood Yes</p> <p>Councilor Woodruff Yes</p>

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<p>5. City Council Vacancy Discussion</p>	<p>City Manager Prosser introduced this agenda item and described the authority of the City Council with regard to appointing a Councilor to the position vacated by Councilor Harding as of April 24, 2007. A summary of some of the options available to the City Council are listed in the staff report on file in the Council packet materials.</p> <p>Council discussed precedence regarding how appointments have been made to vacancies on the City Council, with the process being widely varied depending on the circumstances.</p> <p>Councilor Woodruff noted his support for making an appointment now and then holding an election in the fall. He said he would support appointing Nick Wilson as the interim City Council member until the election. Council members indicated their agreement on selecting Nick Wilson for the interim Councilor noting that he has knowledge of the issues before the City Council at this time due to his recent service on the City Council.</p> <p>After the vote by the City Council on the motion to appoint Nick Wilson as the interim City Councilor, Alice Ellis-Gaut commented favorably on the City Council's decision for an appointment followed by an election in the fall.</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood, to appoint Nick Wilson to the interim City Council position until the person elected by special election takes office.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Buehner Yes Councilor Sherwood Yes Councilor Woodruff Yes</p>
<p>6. Legislative Briefing by Senator Burdick and Representative Galizio</p>	<p>Senator Burdick, Representative Galizio and the City Council reviewed current legislative activities, including the following:</p> <ul style="list-style-type: none"> ▪ End of session is scheduled for June 29, 2007. ▪ Measure 37: Consensus could not be reached on a statutory amendment. The House passed a bill to refer reformation language to the voters in November. There was discussion on a possible extension of time for local jurisdictions to render decisions on Measure 37 claims now in process. Senator Burdick confirmed that it appears local jurisdictions will be given a one-year time extension; this legislation should be going into effect soon, with an emergency clause. 	

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	<ul style="list-style-type: none"> ▪ There is a shortage of Oregon State Police; at least 100 new troopers will be hired. ▪ Reforms for short-term lending businesses are under consideration. Legislation from other states is being reviewed to identify loopholes to avoid. It is hoped new legislation on these types of businesses will be passed soon. ▪ Bio-fuels package for alternative energy sources is under consideration. ▪ Education (K-12 and community colleges) budgets will be determined within the next few weeks. ▪ Councilor Buehner thanked Representative Galizio for his support on the annexation bill. Cities need to have some flexibility on annexation policy. 	
<p>7. Tigard Youth Advisory Council (TYAC) Update</p>	<p>Sheryl Huiras, from Youth Services in the Tigard Police Department, introduced this agenda item. She advised several Youth Advisory Council members were present to review projects the Council worked on last year and to review projects for the future.</p> <p>She recognized several Youth Advisory council members who were present:</p> <p>Sarah Walsh, President Ben Boudreau, Vice President Tiffany Ross, Member Jennifer Yang, Member Alexander Carsh, Member</p> <p>Advisors and volunteers presents:</p> <p>Connie Raemakers Candace Carsh</p> <p>TYAC President Sarah Walsh and Vice President Ben Boudreau presented the update to the Council. A copy of the PowerPoint is on file in the City Recorder's office.</p> <p>TYAC members asked for the City Council to consider a contribution of \$5,000 to the TYAC from the City for youth activities. The Mayor and</p>	

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	<p>Council encouraged the youth to become involved in the budget process and referred to a pilot recreation program. The youth present were told of an upcoming Budget Committee meeting next Monday.</p> <p>Advisor Huiras noted there are 26 members on the TYAC. They actively recruit for membership at all times. Mayor Dirksen acknowledged how much the TYAC has accomplished and said he would like to have a TYAC member serve as an ex officio representative for all of the City’s boards and committees.</p> <p>Councilor Sherwood said the TYAC had been supportive of the Skate Park effort and she encouraged TYAC members to attend the Skate Park Groundbreaking Ceremony on May 26.</p> <p>The TYAC helped Tigard receive recognition as one of the 100 best communities in the nation for youth.</p>									
8. Informational Public Hearing – Finalization of Sanitary Sewer Reim- bursement District No. 39 (SW Hill Street, 102 nd Avenue)	<p>Mayor Dirksen opened the public hearing.</p> <p>There were no declarations or challenges.</p> <p>City Engineer Duenas presented the staff report. A copy of a PowerPoint presentation for this item is on file in the City Recorder’s office.</p> <ul style="list-style-type: none">▪ The district will provide sewer service to 7 lots.▪ The project is completed and sewer can be made available to the lots▪ The final construction cost, \$112,875, was 11.5% less than the contract award amount. <p>Staff recommended the Council adopt the proposed Resolution to finalize the district.</p> <p>Mayor Dirksen closed the public hearing.</p> <p>City Council considered Resolution No. 07-29:</p> <p>A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 39 (SW HILL VIEW STREET, 102ND AVENUE) AND AMENDING THE PRELIMINARY CITY ENGINEER’S REPORT CONTAINED IN RESOLUTION NO. 06-63</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Buehner, to adopt Resolution No. 07-29.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Buehner</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Buehner	Yes	Councilor Sherwood	Yes	Councilor Woodruff	Yes
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9. Ballot Measure 37 – Quasi Judicial Public Hearing – Truck Terminals, Inc. (M372006-00001)	<p>Mayor Dirksen opened the public hearing.</p> <p>City Attorney Corrigan reviewed how the proceedings would be conducted.</p> <p>Declarations or challenges: Councilor Sherwood advised she drives by this property, which is located along Pacific Highway.</p> <p>Mayor Dirksen said he has had discussions with Senator Burdick and Representative Galizio regarding the Measure 37 legislative process.</p> <p>All members of the City Council indicated they were familiar with the application.</p> <p>There were no challenges from any member of the audience.</p> <p>The staff report was presented by Associate Planner Pagenstecher. A copy of the staff report is on file in the City Recorder’s office. A May 3, 2007, memorandum from Associate Planner Pagenstecher was delivered to the Council as a supplement to the original agenda item summary. Staff, in this memorandum explained why they were changing their recommendation to waive the more restrictive regulations. A copy of this May 3, 2007, memorandum is on file in the City Recorder’s office.</p> <ul style="list-style-type: none">▪ Truck Terminals, Inc. is seeking compensation or a waiver of the current land use regulations and comprehensive plan policies that are more restrictive than those in place at the time the subject property was acquired.▪ The property is located at 13015 SW Pacific Highway.▪ Compensation is being requested for an alleged loss in property value attributed to the City’s billboard prohibition or waive regulations to allow Truck Terminals, Inc. to use the property for a use permitted at the time the Claimant acquired the property.▪ The 0.33-acre property is currently developed with two small commercial buildings and a parking lot.	<p>Motion by Councilor Woodruff, seconded by Councilor Buehner, to continue the public hearing to May 15, 2007.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Buehner</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Buehner	Yes	Councilor Sherwood	Yes	Councilor Woodruff	Yes
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	<ul style="list-style-type: none"> ▪ The amount given for the reduction in property value is \$178,813, the value of a general 20-year billboard lease. <p>Public Testimony:</p> <ul style="list-style-type: none"> ▪ Steve Morasch, Portland, Oregon, representing Truck Terminals, Inc. said he agreed with the staff presentation. He summarized the claimant's application requesting compensation and the legislation in place supporting this application. ▪ Gene Barrett, Portland, Oregon, is the claimant. He said he has owned this property for 37 years and purchased it as an opportunity for business. He said he wants to erect a billboard on the site to improve the "bottom line." He noted the benefits of billboards from a commercial perspective. Discussion followed with the City Council. Councilor Buehner noted her concerns with billboards stating she did not want 99W to "look like 82nd Avenue. She added that a billboard on this property is not a good thing for Tigard. Billboards in the long-term are not good for his property and would bring down the property values. In response to a question from Councilor Woodruff, Mr. Barrett advised that if was able to place a billboard on this site, he would have an opportunity for more income. ▪ Alice Ellis-Gaut, Tigard, signed in on the testimony sign-in sheet; however, she was not present to testify. <p>Summation by applicant:</p> <ul style="list-style-type: none"> ▪ Steve Morasch said he believed his client's Measure 37 claim had been made very clear. Mr. Morasch referred to statements publicized by his law partner, Joe Willis, regarding the benefits of billboards. <p>City Attorney Corrigan reviewed the fundamental choices available to the Council. It appears there is impending legislation about to be adopted by the state legislature; therefore, the City Council could choose to continue this hearing to a</p>	

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	<p>date certain. Another option would be for the City Council to approve the application tonight based upon the record received. An alternative would be to deny the application if the City Council decided it is a health and safety issue.</p> <p>Council discussion:</p> <p>Councilor Woodruff noted he appreciated the desire for making a profit. He said he would be concerned about setting precedence with this case and would prefer to wait for the legislature to determine if the City would have more time to consider this matter.</p> <p>Councilor Buehner and Councilor Sherwood indicated they agreed with Councilor Woodruff.</p> <p>Mayor Dirksen also supported a continuance of the hearing because of legislation expected from the state legislature.</p> <p>Discussion followed regarding what date to set for continuing the hearing. Councilor Woodruff noted that the City Council has approved and denied Measure 37 claims. The Council needs to balance the desires for a return on property owners' investments with what the motivation might have been by the voters who passed Measure 37.</p> <p>Mayor Dirksen commented that the Council represents the whole City. He referred to citizen input over a period of years with regard to Tigard's sign code. He added that the City Council has approved the majority of the Measure 37 claims presented; however, he wants to wait to see what happens at the state legislature before making a decision on this application.</p>	
<p>10. Ballot Measure 37 Quasi Judicial Public Hearing – Tigard Grange No. 148 (M372006-</p>	<p>Mayor Dirksen opened the public hearing.</p> <p>Associate Planner Eng presented the staff report.</p> <ul style="list-style-type: none"> ▪ The property is located at 13770 SW Pacific Highway. 	<p>Motion by Councilor Buehner, seconded by Councilor Sherwood, to continue the public hearing to May 15, 2007.</p> <p>The motion was approved</p>

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00002)	<ul style="list-style-type: none"> ▪ The claim is for compensation in the loss in property value attributed to the City's billboard prohibition or to waive the regulations to allow the Tigard Grange to install a billboard. ▪ The claimant is demanding compensation in the amount of \$178,813. ▪ The claimant has provided evidence of continuous ownership since July 22, 1876, when the subject regulations did not exist. ▪ A review of the regulations over the years was included in the staff report. <p>Staff recommended that the Council approve the claim and waive the subject regulations by adopting a proposed ordinance because the subject regulations did not exist in 1876 and have restricted the property in a way that reduces its value.</p> <p>Public testimony:</p> <ul style="list-style-type: none"> ▪ Steve Morasch, Portland, Oregon, advised he was representing the applicants. He agreed with the staff's conclusions. He added that two pending House Bills would not have any impact on this property and referred to rights covered by the 5th Amendment, due process, and just compensation. With regard to concerns about precedent for granting a Measure 37 of this type, Mr. Morasch said there are only a limited number of properties with similar circumstances for this type of claim. He said he thought if there were many other property owners who would be able to make a claim, the "sign companies would have found them." Councilor Buehner asked Mr. Morasch if he knew how many property owners had been contracted by the sign companies. Mr. Morasch said he did not know. ▪ Tim Myshak, a Tigard resident and a member of the Tigard Grange testified about the benefits the Grange offers the community including the recreational programs offered. He said the Grange provides an affordable space for community events. He said the Grange's financial resources are limited and the survival of the Grange is in question without a 	<p>by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Buehner Yes Councilor Sherwood Yes Councilor Woodruff Yes</p> <p>Mayor Dirksen requested that staff place these hearing items at the beginning of the May 15 agenda.</p>

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	<p>sustainable cash flow. He asked that the City Council not delay approval of this claim because of the Grange's financial condition.</p> <p>Councilor Sherwood said she values the Grange building and is sympathetic to their financial issues. However, she said she did not think Tigard voters wanted billboards when they voted for Measure 37. She said she would like to wait a few days to learn what the state legislature proposes for Measure 37.</p> <p>Councilor Buehner commented that the Grange is a wonderful old building and supported maintaining the integrity of this historical property; she questioned whether a billboard would contribute to the integrity.</p> <p>Mayor Dirksen also noted his appreciation of the Grange and said he was disappointed when he saw this application because of its effect on the historical integrity. He said if the City Council decides to delay action on this claim tonight, it will not be just for the sake of delay, but it will be done so the City Council can make a decision based on all of the information.</p> <p>Councilor Woodruff said he would be open to hearing from citizens about what they would like the City Council to do.</p> <ul style="list-style-type: none"> ▪ Alice Ellis-Gaut, Tigard, signed in on the testimony sign-in sheet; however, she was not present to testify. <p>Applicant summation:</p> <ul style="list-style-type: none"> ▪ Steve Morasch responded to an earlier question from Councilor Buehner. He said that only the Truck Terminals and the Tigard Grange had been contacted by a sign company to file a claim for a billboard. He noted one other claim for a sign was made in Tigard, a Chinese restaurant and this request was similar to these two requests before the City Council tonight. 	

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	<ul style="list-style-type: none"> Phil Yount, the current Master of the Tigard Grange reviewed financial expenses coming up for the Grange, including remedying an oil tank leak, which cost \$17,000, and \$7,000 of this has not been paid. He said the Grange membership estimates there are \$50,000 in capital expenses, which need to be paid to continue to operate the building. He said the Grange membership is not a supporter of billboards, but after viewing the presentation from the sign company, the membership did not believe a billboard would significantly detract from the building. <p>Grange member, Mr. Schnetzky, commented on the Grange and its historical value. He agreed that he would not like a billboard. He asked if the City would consider allowing the Grange to install a reader board so they could advertise. He noted the Grange's need for help.</p>	
Adjournment	The meeting adjourned at 9:45 p.m.	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Buehner Yes Councilor Sherwood Yes Councilor Woodruff Yes</p>


Catherine Wheatley, City Recorder

Attest:



Mayor, City of Tigard

Date: July 10, 2007
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